

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**February 23, 2004**

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Sims, Associate Justice; Nicholson, Associate Justice; and Guzman, bailiff.

**C040155 THE PEOPLE v. POWELL**

Cause called. Manuel J. Baglanis, court appointed counsel, argued for appellant. Sean M. McCoy, Deputy Attorney General, argued for respondent. Cause submitted.

At 9:52 a.m., the court recessed. At 9:55 a.m., the court reconvened with Davis, Associate Justice; Morrison, Associate Justice; and Hull, Associate Justice.

**C043872 CORDUA IRRIGATION DISTRICT v. HALLWOOD IRRIGATION COMPANY**

Cause called. Howard N. Ellman argued for appellant. Stanley A. Coolidge argued for respondent. Cause submitted.

At 10:18 a.m., the court recessed. At 10:22 a.m., the court reconvened with Davis, Associate Justice; Hull, Associate Justice; and Butz, Associate Justice.

**C043707 KILLEBREW v. JOHNSON**

Cause called. Carol Killebrew argued In Pro Per as appellant. Richard Thomas argued for respondent. Cause submitted.

At 10:40 a.m., the court recessed. At 2:03 p.m., the court reconvened with Davis, Associate Justice; Morrison, Associate Justice; and Hull, Associate Justice.

**C042587 BUSICO v. BUSICO**

Cause called. John J. Hollenback, Jr. argued for appellant. Stephanie J. Finelli argued for respondent. Cause submitted.

At 2:39 p.m., the court recessed until 9:30 a.m., Tuesday, February 24, 2004.

**C042413 THE PEOPLE v. FORD**

**(Not for Publication)**

The judgment is affirmed.

HULL, J.

We concur: Scotland, P.J.

Robie, J.

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**February 23, 2004, continued**

- C043048 THE PEOPLE v. WARD (Not for Publication)**  
The judgment is affirmed.  
NICHOLSON, J.  
We concur: Scotland, P.J.  
Robie, J.
- C042827 WILCOX v. CALIFORNIA STATE AUTOMOBILE ASSOCIATION (Not for Publication)**  
The judgment is affirmed.  
DAVIS, Acting P.J.  
We concur: Nicholson, J.  
Hull, J.
- C042757 In re TINA M.; DEPARTMENT OF SOCIAL SERVICES v. CHAD H. (Not for Publication)**  
The appeal is dismissed.  
NICHOLSON, J.  
We concur: Scotland, P.J.  
Sims, J.
- C043242 BLANTON v. GOZZA**  
BY THE COURT:  
Respondent's request to publish the opinion filed on January 23, 2004, is denied.  
SIMS, Acting P.J.
- February 24, 2004**
- At 9:31 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Sims, Associate Justice; Raye, Associate Justice; Morrison, Associate Justice; and Facey bailiff.
- C043521 KISHIBAY et al. v. THE DENTISTS COMPANY INSURANCE SERVICES**  
Cause called. Mark T. Quigley argued for appellants. Mark S. Tratten argued for respondent. Cause submitted.
- At 9:52 a.m., the court recessed. At 9:56 a.m., the court reconvened with Sims, Associate Justice; Nicholson, Associate Justice; and Hull, Associate Justice.
- C042209 AMEX CONSTRUCTION, INC. v. HART et al.**  
Cause called. K. Stephen Swenson argued and submitted an additional citation and Ronald H. Kahn appeared only for appellants. Lyle D. Gisi argued for respondent. Cause submitted.

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**February 24, 2004, continued**

At 10:23 a.m., the court recessed until 9:30 a.m., Monday, March 22, 2004.

- C040715 THE PEOPLE v. WARD (Not for Publication)**  
The judgment is affirmed.  
NICHOLSON, J.  
We concur: Scotland, P.J.  
Raye, J.
- C045141 THE PEOPLE v. RHEA, JR. (Not for Publication)**  
**C044679** The judgment is affirmed.  
Blease, Acting P.J.  
We concur: Davis, J.  
Robie, J.
- C043167 CIBULA v. CIBULA (Not for Publication)**  
The order awarding temporary spousal support is affirmed. Linda is awarded her costs on appeal. (Cal. Rules of Court, rule 27 (a).)  
BLEASE, Acting P.J.  
We concur: Sims, J.  
Nicholson, J.
- C043851 SHOEMAKE et al. v. PLACER COUNTY OFFICE OF EDUCATION et al. (Not for Publication)**  
The judgments entered April 2, 2003 and April 8, 2003 are reversed. On remand, the trial court is directed to vacate the orders entered August 12, 2002 and December 23, 2002 granting summary adjudication in favor of RSUD and PCOE on all six of the Shoemakes' causes of action and to enter a new and different order granting summary adjudication in favor of RUSD and PCOE on the Shoemakes' first cause of action only and denying summary adjudication on the remaining five causes of action. The Shoemakes shall recover their costs on appeal. (Cal. Rules of Court, rule 27 (a).)  
Robie, J.  
We concur: Sims, Acting P.J.  
Hull, J.

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**February 24, 2004, continued**

**C040435 THE PEOPLE v. PATTERSON**

THE COURT:

The opinion of this court filed January 26, 2004, in the above entitled case is modified...

This modification does not effect a change in the judgment. The petition for rehearing is denied.

BY THE COURT:

BLEASE, Acting P.J.

DAVIS, J.

MORRISON, J.

**C042302 SOUTH COUNTY CITIZENS FOR RESPONSIBLE GROWTH et al. v. CITY OF ELK GROVE and M&H PROPERTY MANAGEMENT, INC., et al. THE PEOPLE ex rel. DEPARTMENT OF CONSERVATION et al. v. CITY OF ELK GROVE and M&H REALTY PARTNERS III et al.**

BY THE COURT:

The request of respondents South County Citizens for Responsible Growth et al. publish the opinion filed on February 5, 2004, is denied. (See California Rules of Court, rule 977(a).)

SCOTLAND, P.J.

**February 25, 2004**

**C042978 THE PEOPLE v. GALGIANI (Not for Publication)**

The judgment is affirmed.

BUTZ, J.

We concur: Davis, Acting P.J.

RAYE, J.

**C044007 THE PEOPLE v. CLASBY (Not for Publication)**

The judgment is affirmed.

RAYE, J.

We concur: Blease, Acting P.J.

Robie, J.

**C044306 THE PEOPLE v. BRENNAN (Not for Publication)**

The judgment is affirmed.

BUTZ, J.

We concur: Davis, Acting P.J.

Raye, J.

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**February 25, 2004, continued**

- C044326 THE PEOPLE v. SANCHEZ (Not for Publication)**  
The judgment (order of probation) is modified... As modified, the judgment (order of probation) is affirmed.  
ROBIE, J.  
We concur: Blease, Acting P.J.  
Davis, J.
- C041331 RIPPENGALE v. ROE et al. (Not for Publication)**  
The judgment is affirmed.  
HULL, J.  
We concur: Raye, Acting P.J.  
Morrison, J.
- C043846 VISALLI as Executor, etc. v. BARRETTE and WALLAGE-LIGHT (Not for Publication)**  
The trial court's judgment (order) is reversed insofar as it governs the disposition of the decedent's residence, its furniture, and the acreage upon which it is situated. The court is instructed to order this property (described in the third article of the will) to be distributed solely to appellant Mary E. Barrette. Appellant in awarded her costs on appeal.  
SIMS, Acting P.J.  
We concur: Davis, J.  
Raye, J.
- C044453 In re J.S. et al.; CALAVERAS WORKS AND HUMAN SERVICES AGENCY v. F.S. (Not for Publication)**  
The orders of the juvenile court are affirmed.  
BUTZ, J.  
We concur: Scotland, P.J.  
Morrison, J.
- C041611 JRS PRODUCTS, INC. v. MATSUSHITA ELECTRIC CORPORATION OF AMERICA (Certified for Publication)**  
THE COURT:  
It is ordered that the opinion filed herein on January 26, 2004, be modified...  
There is no change in the judgment.  
Appellants' petitions for rehearing are denied.  
BY THE COURT:  
DAVIS, Acting P.J.  
NICHOLSON, J.  
RAYE, J.

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**February 25, 2004, continued**

**C041946 THE PEOPLE v. LAMPRON**  
THE COURT:  
In the opinion filed herein on January 28, 2004, is modified...  
This modification does not change the judgment.  
Respondent's petition for rehearing is denied.  
FOR THE COURT:  
SCOTLAND, P.J.  
RAYE, J.  
MORRISON, J.

**February 26, 2004**

**C042632 SAH v. MONTANEZ et al. (Not for Publication)**  
The judgment is affirmed.  
SCOTLAND, P.J.  
We concur: Nicholson, J.  
Robie, J.

**C043232 THE PEOPLE v. YOUNG (Not for Publication)**  
The judgment is affirmed.  
DAVIS, J.  
We concur: Sims, Acting P.J.  
RAYE, J.

**C043849 JESSICA S. v. COUNTY OF PLACER (Not for Publication)**  
The judgment is affirmed.  
BUTZ, J.  
We concur: Scotland, P.J.  
Blease, J.

**February 27, 2004**

**C041587 THE PEOPLE v. MORRISON (Not for Publication)**  
The judgment is modified...  
In all other aspects the judgment is affirmed.  
HULL, J.  
We concur: Sims, Acting P.J.  
Davis, J.

**C041751 THE PEOPLE v. THOMAS (Not for Publication)**  
The judgment is affirmed.  
RAYE, J.  
We concur: Scotland, P.J.  
Morrison, J.

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**February 27, 2004, continued**

- C041793      THE PEOPLE v. CANTWELL      (Not for Publication)**  
The judgment is affirmed.  
NICHOLSON, J.  
We concur:    Blease, Acting P.J.  
                  Sims, J.
- C041837      THE PEOPLE v. ALONSO      (Not for Publication)**  
The judgment is affirmed.  
RAYE, J.  
We concur:    Davis, Acting P.J.  
                  BUTZ, J.
- C041901      THE PEOPLE v. HAYNES      (Not for Publication)**  
The judgment is affirmed. The trial court is ordered to prepare an amended abstract of judgment ... The court is ordered to forward a certified copy of the amended abstract of judgment to the Department of Corrections.  
BUTZ, J.  
We concur:    Blease, Acting P.J.  
                  Robie, J.
- C042234      THE PEOPLE v. AMADOR      (Not for Publication)**  
As to counts IV, VI, XIV, XVI, and XVIII, the judgment is reversed and retrial is barred. The matter is remanded to the trial court for further hearing on the factual predicate for the order entered pursuant to section 1202.1. If the People fail to request further hearing, the order shall be stricken. In all other respects, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting the results of any further section 1202.1 hearing, and to otherwise make corrections as stated above, and to forward a certified copy to the Department of Corrections.  
HULL, J.  
I concur:      Robie, J.
- I concur, except as to the portion of part II that finds the evidence is insufficient to support defendant's conviction for indecently exposing himself to victim Stephanie R. (count XVI)...
- Accordingly, I would affirm the judgment on count XVI.  
Scotland, P.J.

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**February 27, 2004, continued**

- C042540 THE PEOPLE v. BURNETT (Certified for Partial Publication)**  
The judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment... The trial court shall forward a certified copy of the amended abstract to the Department of Corrections.  
RAYE, J.  
We concur: Blease, Acting P.J.  
Morrison, J.
- C043304 THE PEOPLE v. HARBRIDGE (Not for Publication)**  
The judgment is affirmed. The trial court is directed to correct the minutes to reflect that defendant also admitted a great bodily injury enhancement. (§ 12022.7, subd. (e).)  
DAVIS, Acting P.J.  
We concur: Hull, J.  
Butz, J.
- C044839 THE PEOPLE v. FIRNGES (Not for Publication)**  
The judgment is affirmed.  
DAVIS, J.  
We concur: Blease, Acting P.J.  
Robie, J.
- C041624 WILMSHURST v. WILMSHURST (Not for Publication)**  
Richard's appeals from the March 5, 2002, order for payment of attorney fees of \$580 and from the April 26, 2002 order denying reconsideration are dismissed. The April 26, 2002 order assessing Richard additional attorney fees in the sum of \$725 is affirmed. Linda shall recover costs on appeal. (Cal. Rules of Court, rule 27(a).)  
BUTZ, J.  
We concur: Davis, Acting P.J.  
Raye, J.
- C041861 GRADLE et al. v. DOPPELMAYR USA, INC. (Certified for Publication)**  
The judgment is reversed. The Gradles shall recover their costs on appeal.  
MORRISON, J.  
We concur: Blease, Acting P.J.  
Robie, J.

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**February 27, 2004, continued**

- C042699      MICHELI v. MICHELI      (Not for Publication)**  
The judgment is affirmed. The parties shall bear their own costs on this appeal (Cal. Rules of Court, rule 27(a).)  
BUTZ, J.  
We concur:    Scotland, P.J.  
                 Morrison, J.
- C043707      KILLEBREW v. JOHNSON      (Not for Publication)**  
The appeal is dismissed.  
HULL, J.  
We concur:    Davis, Acting P.J.  
                 Butz, J.
- C044006      GRAF et al. v. COLENZO et al.      (Not for Publication)**  
The judgment is affirmed.  
BLEASE, Acting P.J.  
We concur:    Morrison, J.  
                 Robie, J.
- C044661      In re T.B.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND  
HUMAN SERVICES v. TRACI B.      (Not for Publication)**  
The orders of the juvenile court are affirmed.  
RAYE, J.  
We concur:    Blease, Acting P.J.  
                 Robie, J.
- C038850      THE PEOPLE v. MOUA      (Not for Publication)**  
THE COURT:  
It is ordered that the opinion filed herein on January 20, 2004 be modified as follows:...  
There is no change in the judgment.  
Respondent's petition for rehearing is denied.  
BY THE COURT:  
BLEASE, Acting P.J.  
DAVIS, J.  
RAYE, J.

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**The Minutes**

**February 27, 2004, continued**

**C041963 THE PEOPLE v. BALDIZAN (Not for Publication)**

THE COURT:

It is ordered that the opinion filed herein on January 28, 2004, be modified in the following manner:...

This modification does not change the judgment.

Defendant's petition for rehearing is denied.

FOR THE COURT:

BLEASE, Acting P.J.

NICHOLSON, J.

MORRISON, J.